

Practitioner's Docket No. MWH-0029US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Liggett, Stephen B.

Application No.: To be assigned  
Filed: May 25, 2001

Group No.: To be assigned  
Examiner: To be assigned

For: POLYMORPHISMS IN THE 5' LEADER CISTRON OF THE BETA2-ADRENERGIC RECEPTOR

Assistant Commissioner for Patents  
Washington, D.C. 20231

SECOND PRELIMINARY AMENDMENT TO CLAIMS  
(37 C.F.R. 1.121 and M.P.E.P. 714.09)

This application is the National Phase filing of PCT/US99/27963. This paper is filed to amend claims in response to the International Preliminary Examination Report (IPER) mailed on March 6, 2001 and to add new dependent claims to the current application. The accompanying first preliminary amendment cancels claims prior to the calculation of the filing fee. The additional claims presented herein are not taken into account when calculating the filing fee. Please charge any additional claims fees to our deposit account 50-1293 or credit any excess thereto.

IN THE CLAIMS

Please amend the following claims:

- B1
19. (amended) A method for determining the frequency of a B<sub>2</sub>AR genotype or a B<sub>2</sub>AR haplotype in a population, comprising
- (a) determining the B<sub>2</sub>AR genotype or the B<sub>2</sub>AR haplotype pair for [the B<sub>2</sub>AR 5' gene that is present in] each member of the population and
  - (b) calculating the frequency any particular B<sub>2</sub>AR genotype or B<sub>2</sub>AR haplotype is found in the population.
- B2
26. (amended) A method for predicting a patient's bronchodilating response to an agonist of B<sub>2</sub>AR, which comprises determining the patient's genotype for the B<sub>2</sub>AR 5'LC polymorphic site, wherein a patient who is homozygous T at this site is unlikely to exhibit a bronchodilating response to the agonist and a patient who contains a C at this site is likely to exhibit a bronchodilating response against the agonist.